

REMARKS

Claims 1-15 were pending in the Application at the time of the November 1, 2004 Office Action; those same claims are currently pending.

In the Office Action, the Examiner rejected Claims 1-8 and 10-15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,97,084 to Weber ("Weber"). The Examiner further rejected Claim 9 under 35 U.S.C. 103(a) as being unpatentable over Weber. In light of the foregoing amendments and following Remarks, the Applicants respectfully request reconsideration of the pending claims.

35 U.S.C. 102(b) Rejection of Claims 1-8 and 10-15:

Claims 1-8 and 10-15 were all rejected as being anticipated by Weber. The Applicants have amended independent Claims 1, 10, and 13 to more particularly point out and describe what the Applicants view as their invention. More specifically, each of independent Claims 1, 10, and 13 have been amended to specify that the radial outermost threshing portions 86 and the tailings deflecting portions 88 of the impeller blades 47 are of indivisible unitary construction. As ample support for the amendments exist in the Specification and drawings, no new matter has been added.

In contrast, Weber does not disclose or contemplate an impeller blade having its radial outermost threshing portions and tailings deflecting portions of indivisible unitary construction. Instead, as specified in Figs. 4 and 5 and at Column 3, Lines 30-41, the impeller blade of Weber only includes:

a hub portion 98 from which a plurality of vanes 100 extend generally radially. The vanes 100 have a width substantially equal to the width of the housing within the walls 88 and merge with a central web 102. *The outer ends of each of the vanes has a flange portion 104 which detachably supports a rasp bar 106.* Each of the rasp bars 106 is

connected to its associated flange 104 by means of bolts 108 which also are used to support selected numbers of washer like counter-balancing weights 110 by which the rotor may be accurately balanced.

(Emphasis added.)

Accordingly, in light of the foregoing amendments to independent Claims 1, 10, and 13, it is thus clear that Weber neither discloses nor teaches an impeller blade having a radial outermost threshing portion and tailings deflecting portion of indivisible unitary construction. Instead, the impeller blade of Weber is a two-part blade, consisting of a detachable radial outermost threshing portion 106 mounted to the tailings deflecting portion 100 of the blade by means of bolts 108. As such, it is hereby submitted that independent Claims 1, 10, and 13 are in condition for allowance as being distinguishable over, and thus not anticipated by, Weber. Further, Claims 2-8; 11-12; and 14-15 are also patentable and in condition for allowance as being dependent from allowable independent base Claims 1, 10, and 13, respectively.

35 U.S.C. 103(a) Rejection of Claim 9:

The Examiner further rejected dependent Claim 9 as being unpatentable over Weber. In light of the preceding amendments and Remarks in reference to independent Claim 1, Claim 1 is patentable as Weber neither discloses nor teaches an impeller blade having a radial outermost threshing portion and tailings deflecting portion of indivisible unitary construction. Weber only teaches a two-part impeller blade consisting of a detachable radial outermost threshing portion 106 mounted to the tailings deflecting portion 100 by means of bolts 108. Accordingly, it is believed that Claim 9, which depends from Claim 1, is patentable over Weber.

In summary, and in accordance with the foregoing amendments and Remarks, it is believed that pending Claims 1-15 are in position for allowance. It is further believed that a one-month extension of time fee is due for the filing of this Amendment. Thus, the United States Patent and Trademark Office is hereby authorized to charge \$120.00, or any additional fee required to secure entry of this Amendment, to deposit account No. 03-1025. The Examiner is requested to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application.

Respectfully submitted,

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